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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,283	03/22/2004	Kin Yu Wong	403022	8976
23548	7590	03/04/2005		EXAMINER
LEYDIG VOIT & MAYER, LTD				FISHMAN, MARINA
700 THIRTEENTH ST. NW				
SUITE 300			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005-3960				2832

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/805,283	WONG, KIN YU	
	Examiner Marina Fishman	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 and 10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

General status

1. This is a Final Action on the Merits. Claims 1 - 11 are pending in the case and are being examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Beckering et al. [US 3,780,246].

Beckering et al. disclose a trigger assembly for an electrical power tool, comprising:

- a switch [36] for electrical connection to a power tool (power tool is not positively recited), for controlling operation of the power tool;
- a trigger [28] coupled with the switch, the trigger having a surface for engagement by a finger for actuating the trigger and extending between first and second ends of the trigger, the trigger being pivotable about the first end [56], between an outer position in which the switch is open and an inner position in which the switch is closed [Figures 2 and 3]

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- a locking member [44, 84] located adjacent the second end for locking the trigger in the outer position, the locking member being movable from a locking position locking the trigger in the outer position to an unlocking position, releasing the trigger [Column 3, lines 40-65].

Regarding Claim 2, the locking member [84] is located inside the trigger [Figure 3], proximate the second end.

Regarding Claim 3, the locking member is carried by the trigger [locking member 84 is accommodated in hole 66 of the trigger.]

Regarding Claim 8, a fixture [rib 87, Figure 5] for abutment by the locking member [84] in the locking position to lock the trigger in the outer position, the locking member being manually movable by rotating and pressing the knob [44] from locking position to an unlocking position.

Regarding Claim 10, the fixture comprises a projection [87, projects from one of the surface of the trigger] substantially aligned with the locking member when the locking member is in the locking position [Figure 2].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckering et al. [3,780,246] in view of Yeske [US 3,777,092].

Beckering et al. disclose the instant claimed invention including a spring [90], a release member [76] accessible on the outside of the trigger and in engagement with the locking member [84] for manual movement of the locking member to the unlocking position against action of a spring [Claim 5], a rod [82, 83] connecting the release member [76] to the locking member [84] and the spring being disposed on the rod [Claim 6]; the release member comprises a knob [76] slidably supported on the trigger [Claim 7]. However, Beckering et al. do not disclose a spring located inside the trigger. Yeske [Figure 5] discloses a trigger for a tool, wherein the spring [102] is located inside the lower end of the trigger. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trigger of Beckering et al. and provide spring inside the trigger as suggested by Yeske, in order to provide more compact mechanism.

Allowable Subject Matter

4. Claims 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The recitation of “wherein the fixture comprises a part of a casing of the switch” and “a separate locking member located adjacent the first end of the trigger for locking the trigger in the inner position” defines the Claims over the art of record.

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Response to Arguments

5. Applicant's arguments with respect to claims 1 – 8 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

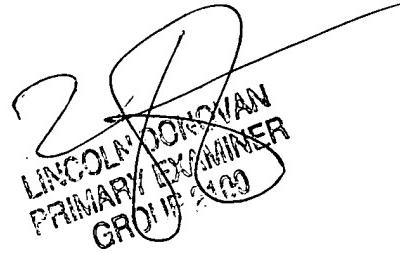
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman
February 23, 2005


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 213